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ORIGINALLY FILED

Atty Docket: VASC 1020-2US

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BIOLOGICALLY ACTIVE AGENT DELIVERY APPARATUS AND METHOD

the specification of which

 X is attached hereto.
was filed on July 20, 2001 as Application No. 09/910,703
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, '1.56(a) which states in relevant part: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section....The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by " 1.97(b)-(d) and 1.98."

I hereby claim foreign priority benefits under Title 35, United States Code, '119 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed
(Number) (Country) (Day/Month/Year Filed)
Yes
No

I hereby claim the benefit under Title 35, United States Code, '120 of any United States application(s), and under '119(e) of any United States provisional application(s),

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listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, '112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation, '1.56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application:

09/740,597
(Application No.)

December 19, 2000
(Filing Date)

Pending
(Patented, Pending, Abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, and to file, prosecute and to transact all business in connection with international applications directed to said invention:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, '1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint
inventor, if any:

BRUCE J BARCLAY

Inventor's signature:

Bruce J Barclay

Date:

January 4, 2002

Citizenship:

United States of America

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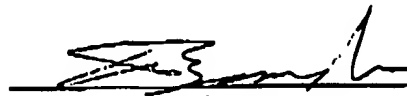
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692 Thorn Apple DriveSunnyvale, California 94806Full name of **third** joint
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